

the wife was not a party, and the decree obtained thereunder, can have no operation as against the wife.

If that proceeding was instituted for the purpose of removing the lease out of the way, and subjecting the wife's property to the payment of the ward's claim, it was essential that the wife should have been made a party, and the decree would otherwise, as to her, be fraudulent and void.

[The bill in this case was filed on the 15th of December, 1841, by William W. McClellan and Maria, his wife, and states that the complainant, Maria, who is the daughter of Richard Bennet Mitchell, while an infant, became entitled to a large estate; that her said father was duly appointed her guardian, took possession of her property, and rendered several accounts thereof to the Orphans' Court; and that, by the final one rendered on the 5th of March, 1834, he was indebted to the said Maria, as his ward, in the sum of \$14,891 14, which sum, with interest from that day, the bill charges to be still due and unpaid, with some small deductions. That said Maria attained the age of eighteen years on the 9th of March, 1834, and married the complainant, William, on the 11th of December, 1837. That to secure payment to said Maria, of all sums due by said Richard as such guardian, to said Maria and her sister Elizabeth, now deceased, (of whom he was likewise guardian), said Richard conveyed by deed, dated the 25th of August, 1825, to John P. Kennedy and John Glenn, all his real and personal estate, large and valuable, including particularly all the property conveyed to him by deeds from Henrietta A. Bedford and Thomas H. Wright; that said conveyance being in trust for the object aforesaid, was accepted by said Kennedy and Glenn, but they, without making any payment to the said Maria, or any sales towards that end, upon some arrangement with the said Henrietta and one John Hillen, for their indemnification against the claim of the said Maria, and her rights and demands under said trust, executed a deed, dated 2d of August, 1827, conveying to said Henrietta and her heirs all the estate which was conveyed to them by said Richard B. Mitchell, which deed was confirmed by another from the same parties, dated the 25th of October, 1832. That